



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxxv.

An Act to amend an Act of the Twenty-first Year of the Reign of King *George* the Third, “to
“ prevent the Mischiefs that arise from driving
“ Cattle within the Cities of *London* and *West-*
“ *minster*, and Liberties thereof, and Bills of
“ Mortality,” and also to amend “The Metro-
politan Market Act, 1851.” [10th *August* 1857.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act for providing a Metropolitan Market and Conveniences connected therewith, in lieu of the Cattle Market at Smithfield*, and by the said Act it was declared that it should be lawful for Her Majesty, after the Expiration of Six Calendar Months from the passing of the said Act, in case the Mayor, Aldermen, and Commons of the City of *London* should not in the meantime have signified in the Manner therein mentioned their Desire to undertake the Execution of the said Act, to appoint certain Commissioners who were thereby authorized and empowered to provide, build, and maintain, in such Situations as might appear to them con-

[*Local.*]

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c. 61.

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venient for the Purpose, and as might be approved of by One of Her Majesty's Principal Secretaries of State, Places for holding a Cattle Market in lieu of the Market then holden in *Smithfield*, and a Meat Market with Slaughter-houses and Lairs for Cattle brought to such Cattle Market, or intended to be slaughtered in such Slaughter-houses, and to provide, build, and maintain such Pens, Stalls, Shops, Buildings, and Conveniences for the Purposes of the said Markets, Slaughter-houses, and Lairs as the Commissioners may think necessary, and to purchase by Agreement such Lands as they might deem necessary for the Purposes aforesaid; but no Agreement for the Purchase of any Site for any of the Purposes aforesaid was to be made or entered into by the Commissioners without the Consent in Writing of One of Her Majesty's Principal Secretaries of State: And whereas by the said Act the Commissioners were authorized, with the Consent of the Commissioners of Her Majesty's Treasury, to borrow and take up at Interest any Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds for the Purpose of defraying any Expenses which might be incurred by them in the Execution of the said Act, and to mortgage and assign over to any Person by or on whose Behalf such Sums might be advanced all or any of the Tolls, Rents, and Payments receivable by them the Commissioners under the said Act; and by the same Act the Commissioners of Public Works were authorized to make Advances to the Commissioners under the said Act upon the Security of the said Tolls, Rents, and Payments, without requiring any further or other Security than a Mortgage of such Tolls, Rents, and Payments; and it was by the said Act further declared, that the Sum to be appropriated and set apart by the Commissioners under the Act every Year as a Sinking Fund should be such a Sum as should from Time to Time be directed on that Behalf by the Commissioners of Her Majesty's Treasury; and the Commissioners under the said Act were authorized to sell and dispose of such Lands purchased under the said Act as might not appear to them to be required for the Purposes thereof, and to apply the Produce of such Sale in like Manner as other Moneys received under the said Act; and the said Commissioners were required, in the Month of *March* in every Year, to deliver to One of Her Majesty's Principal Secretaries of State Accounts of their Receipt and Expenditure, to be laid before both Houses of Parliament: And whereas the Mayor, Aldermen, and Commons, within the Time limited in the said Act for that Purpose, duly signified their Desire to take upon themselves the Execution of the said Act, and declared their Intention to defray the Expenses incurred therein out of their own Funds: And whereas under or by virtue of the Provisions contained in the said Act the Mayor, Aldermen, and Commons have, at the Expense of the Mayor and Commonalty and Citizens of the City of *London*, purchased a Site for and have erected and established a Cattle Market
for

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for the Metropolis, in lieu of the Market formerly held at *Smithfield*, together with a Meat Market and Slaughter-houses and Lairs for Cattle brought to such Cattle Market, or intended to be slaughtered in such Slaughter-houses, and have expended Four hundred and forty thousand Pounds in the said Purchase and in the Formation of the said Markets, and in the Erection of Lairs and Slaughter-houses and of Taverns, Public Houses, and other Buildings and Conveniences connected with the said Markets, and they have borrowed the same upon the Credit of the several Tolls, Dues, Rents, and Payments receivable under the said Act and upon the Estates and Revenues of the Mayor and Commonalty and Citizens: And whereas it is expedient that Power be given the said Mayor, Aldermen, and Commons to let upon Lease the surplus Ground not now wanted for Market Purposes, and also the Slaughter-houses and other Buildings, for the best Rents that can be procured for the same, so as that the Freehold and Inheritance thereof may be retained in their own Hands, in case at any distant Period of Time it should become necessary to use the same for the Purpose of enlarging or otherwise improving the said Markets or the Approaches thereto: And whereas by an Act passed in the Twenty-first Year of the Reign of King *George the Third*, intituled *An Act to prevent the Mischiefs that arise from driving Cattle within the Cities of London and Westminster, and Liberties thereof, and Bills of Mortality*, the Court of Mayor and Aldermen of the City of *London* for the Time being were authorized to make and frame reasonable Rules, Orders, or Ordinances for governing and regulating all Persons who should drive any Cattle, Sheep, Calves, or Lambs within the Cities of *London* or *Westminster*, and the Liberties thereof, or the Bills of Mortality: And whereas it is expedient that the said first-recited Act should be amended, and that increased Powers for the Management and Control of the said Cattle Market, Meat Market, Slaughter-houses, and Lairs should be vested in the said Mayor, Aldermen, and Commons, and that the Tolls, Dues, and Payments by the said first-recited Act authorized to be demanded and taken should be increased: And whereas it is expedient that the Power by the first-recited Act given to the Court of Mayor and Aldermen of the City of *London* for regulating the driving of Cattle, Sheep, Calves, or Lambs within the Cities of *London* and *Westminster*, and the Liberties thereof, and the Bills of Mortality, and all the Rules, Orders, and Ordinances made by virtue thereof, should be repealed, and that new and more extensive Powers for that Purpose should be vested in the Mayor, Aldermen, and Commons of the City of *London*; but the same cannot be done without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

21 G. 3. c. 67.

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present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

14 & 15 Vict. c. 61. and Section 4. of 21 G. 3. c. 67. repealed. I. From and after the Commencement of this Act the whole of the first-recited Act, and the Fourth Section of the second-recited Act, shall be and the same are hereby repealed.

Construction of Terms.

II. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

The Words " Common Council " shall mean the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, and shall include the Mayor and Commonalty and Citizens :

The Words " Mayor and Commonalty and Citizens " shall mean the Mayor and Commonalty and Citizens of the City of *London* :

The Word " Cattle " shall include Sheep, Lambs, and Swine :

The Word " Horse " shall include Mare, Ass, and Mule :

The Word " Slaughter-house " shall mean a Place used for slaughtering Cattle :

The Word " Justice " shall include the Lord Mayor and any Aldermen and the Recorder of the City of *London*.

General Saving of Rights, &c. under re-cited Acts.

III. Notwithstanding such Repeal, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the recited Acts, or either of them, shall be as valid as if this Act were not passed ; and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done and suffered respectively ; and all such Rights, Liabilities, Claims, and Demands shall be enforceable and recoverable by and against the Common Council in the same Manner and to the same Extent as they would have been enforceable or recoverable in case this Act had not passed : Provided always, that the Generality of this Provision shall not be effected by the Particularity of any of the other Provisions of this Act.

Contracts, &c. pre-served.

IV. Notwithstanding such Repeal, all Purchases, Sales, Conveyances, Grants, Leases, Covenants, Securities, and Contracts before the Commencement of this Act made or entered into under the Authority

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Authority of the first-recited Act, or with respect to the Purposes thereof, shall be as effectual to all Intents for, against, and with respect to the Common Council as if such Repeal had not happened and this Act were not passed, and may be proceeded on and enforced accordingly.

V. Notwithstanding such Repeal, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Common Council before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Common Council in the same Manner to all Intents and as if this Act were not passed.

Actions not to abate.

VI. Notwithstanding such Repeal, all Tolls, Rates, Dues, or Duties immediately before the Commencement of this Act due and payable or accruing to the Common Council shall be payable to and may be collected and recovered by them in like Manner as any Tolls, Rates, Dues, or Duties under this Act.

Tolls, &c. due to be paid notwithstanding Repeal of Acts.

VII. Notwithstanding such Repeal, all Offences committed before the Commencement of this Act against or in contravention of any Byelaw, Rule, Order, or Regulation made by the Common Council under or by virtue or in pursuance of any Power or Authority in the said recited Acts or either of them contained shall be punished as if this Act had not been passed.

Offences against Byelaws may be punished.

VIII. The Common Council shall maintain and uphold the Cattle Market established under the Authority of the first-recited Act, in lieu of the Market formerly holden in *Smithfield*, with the Slaughter-houses and Lairs for Cattle, and Pens, Stalls, Shops, Taverns, Public Houses, and other Buildings and Conveniences already erected and built in connexion therewith, or for the Purposes thereof; and it shall be lawful for the Common Council to provide, build, and maintain, in such Situation as may appear to them convenient for the Purpose, a Meat Market, with such Stalls, Shops, Standings, and other Conveniences for the Purposes thereof, and also such and so many additional Slaughter-houses, Lairs, Pens, Stalls, Shops, Buildings, and Conveniences for the Purposes of the said Markets, as they may think necessary, all which Markets shall be deemed to be public Markets, and to make and maintain all necessary and convenient Roads and Approaches to and from the Market Places, Slaughter-houses, and Lairs provided and to be provided as aforesaid, and with the Consent of the Owner of any existing Road, or of the Persons in whom the Management thereof may by Law be vested, to widen and improve such existing Road for facilitating Ingress and Egress to and from such Market Places,

Common Council to uphold Markets, &c. already established.

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Slaughter-houses, and Lairs; and it shall be lawful for the Common Council to purchase by Agreement such Lands as they may deem necessary for the Purposes aforesaid: Provided always, that no Agreement for the Purchase of any Site for any of the Purposes aforesaid shall be made or entered into by the Common Council without the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Common Council to provide for the Supply of Water and Drainage.

IX. The Common Council shall provide for the said Market Places, Slaughter-houses, and Lairs a sufficient Supply of Water, and may procure the same from any Water Company or Persons willing to contract for the Purpose, and the Common Council shall cause the said Market Places, Slaughter-houses, and Lairs to be sufficiently drained, and may (subject to any Rights and Jurisdiction vested in the Metropolitan Commissioners of Sewers) execute the Works necessary for the Drainage thereof, or may procure such Works to be executed by such Commissioners.

Power to appoint Officers.

X. It shall be lawful for the Common Council from Time to Time to appoint such Clerks, Collectors, Inspectors, and other Officers as they may think fit for the Purposes of this Act, and from Time to Time to remove the Officers so appointed, or any of them, and to allow to such Officers respectively such Salaries and Wages as the Common Council may think proper.

Power to Common Council to make Byelaws for the Government of the Market.

XI. It shall be lawful for the Common Council from Time to Time to make Byelaws for fixing or altering the Days upon which the Markets to be holden under this Act shall or may be held, for placing and driving Cattle within the said Market, for fixing the Hours for commencing and closing the said Markets on each Market Day, the Times at which Cattle and Horses respectively shall be brought into or exposed for Sale in the Market and removed therefrom, and for the letting, occupying, holding, and using of the Pens, Lairs, Stalls, Shops, Buildings, and Conveniences, for keeping the said Market Places, Slaughter-houses, and Lairs in a cleanly and proper State, and preventing the Exercise of Cruelty therein, for preventing Nuisances or Obstructions in the said Market Places or the immediate Approaches thereto, and generally for regulating, ordering, and governing the said Markets, Slaughter-houses, and Lairs, and the Conduct of Business therein; and the Common Council may from Time to Time alter or repeal any such Byelaws, and may by such Byelaws impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws, but so that every such Byelaw be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid: Provided always, that no Byelaw
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of the Common Council shall be of any Force or Effect until the same has been approved under the Hand of One of Her Majesty's Principal Secretaries of State; and such Byelaws shall be signed by the Town Clerk of the City of *London*, and published as herein-after mentioned, and in the meantime and until such new Byelaws shall be made, approved, and published as aforesaid, the Byelaws made under the Authority of the said first-recited Act shall remain and continue in force as if the said Act had not been repealed.

Byelaws not to be enforced till approved by Secretary of State.

XII. It shall be lawful for the Common Council from Time to Time to demise and lease all or any of the Stalls, Slaughter-houses, Lairs, and Conveniences already provided, or which may hereafter be provided under the Authority of this Act, and which in their Opinion may properly be exclusively occupied, for any Term or Number of Years not exceeding Seven Years, and to demise and lease any House, Tavern, Public House, and Shop already erected and built, or which may be erected and built under the Authority of this Act, for any Term not exceeding Twenty-one Years, and to demise and lease all or any of the several Slips or Pieces of Land described in the Schedule (B.) annexed to this Act for any Term or Number of Years not exceeding Eighty Years, every Lease which may be granted under the Authority of this Act to take effect in possession or within Three Months from the Time of granting the same; and all Rents which may be received under or by virtue of any such Leases shall be applied in the same Manner as the Tolls, Dues, and other Payments receivable under this Act are authorized to be applied.

Power to grant Leases.

XIII. The Common Council shall, with the Approbation of the Commissioners of Her Majesty's Treasury, fix a Table of Tolls and Payments to be demanded and taken for or in respect of Cattle, Horses, and Meat brought into or exposed for Sale in the said Markets, and for or in respect of the Use of Pens, Lairs, Slaughter-houses, and Conveniences provided under the said first-recited Act or this Act, and may from Time to Time, with such Approbation as aforesaid, vary such Table of Tolls and Payments as they may deem fit: Provided always, that such Tolls and Payments do not exceed the said respective Sums mentioned in the Schedule (A.) to this Act, and the Table of the Tolls and Payments for the Time being payable under this Act shall be published as herein-after directed; and in the meanwhile and until such Tolls and Payments shall be so fixed and sanctioned as aforesaid it shall be lawful for the Common Council to levy and take for or in respect of Horses, Cattle, and Meat brought into and exposed for Sale in the said Markets, and for the Use of Pens, Lairs, Slaughter-houses, and Conveniences, the same Tolls and Payments as they are now authorized to levy and take.

Power to Common Council, with Consent of Treasury, to fix a Table of Tolls, &c.

XIV. Copies

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Byelaws and Table of Tolls, &c. when approved to be set up in the Markets.

XIV. Copies of all Byelaws for the Time being in force under this Act affecting other Persons than the Officers of the Common Council, and the Table of Tolls and Payments for the Time being payable under this Act in respect of the said Markets respectively, shall be painted in legible Characters on Boards, to be set up and continued at each and every of the Entrances, or in some conspicuous Position in the Place for holding the Market to which such Byelaws relate, or in respect of which such Tolls and Payments are payable; and such Boards shall from Time to Time be renewed, replaced, and restored when and so often as the same are destroyed, defaced, or removed: Provided always, that if any such Board be destroyed, defaced, or removed, such Byelaws, Tolls, and Payments shall continue in force and payable respectively during such Time as may be reasonably required for renewing, replacing, or restoring the same, in the same Manner as if the Destruction, Removal, or Defacement had not occurred.

Smithfield to continue to be closed as a Cattle Market.

XV. *Smithfield* Market having under the Provisions of the first-recited Act ceased to be a Market for the Sale of Cattle and Horses, the Repeal of such Act shall not authorize or empower, or be deemed or construed to authorize or empower, the using of the Site thereof, or of any Part thereof, as a Market for the Sale of Cattle or Horses; and no new Market for the Sale of Cattle or Horses shall be opened in the Cities of *London* or *Westminster*, or the Liberties thereof, or in the Borough of *Southwark*, or at any Place distant less than Seven Miles in a straight Line from *St. Paul's Cathedral* in the City of *London*.

Common Council to appoint a Committee to carry Act into execution.

XVI. It shall be lawful for the Common Council from Time to Time to appoint a Committee to manage and transact all or any of the Matters or Purposes which the Common Council are hereby empowered to do, execute, or perform, which Committee shall have such or so many of the Powers and Authorities and Discretion by this Act given to or reposed in the Common Council as the Common Council shall think fit and proper to delegate to such Committee.

Cattle or Meat unfit for Food may be seized and destroyed.

XVII. It shall be lawful for any Clerk or Inspector appointed under this Act, with or without Assistants, to inspect and examine any Cattle and dead Meat exposed or offered for Sale in the Markets provided under this Act, or either of them, and for that Purpose to enter into any Building, Shop, Stall, Pen, or Place provided under this Act, and seize any such Cattle or Meat which may appear to him unfit for human Food, and to report such Seizure to any Justice of the Peace having Jurisdiction in the Place; and such Justice may order such Cattle or Meat to be destroyed or otherwise disposed of in such Manner as may appear to him proper, and any Person exposing or offering for Sale as aforesaid Cattle or Meat unfit for human Food shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

XVIII. It

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XVIII. It shall be lawful for the Commissioner of the City Police, with the Consent of the Common Council, from Time to Time to make such Orders, Rules, and Regulations as he and they shall deem expedient with respect to the driving of Cattle within the Police District of the City of *London*, and also for the Commissioners of the Police of the Metropolis from Time to Time to make such Orders, Rules, and Regulations as they shall deem expedient with respect to the driving of Cattle within so much of the Metropolitan Police District as is within the City of *Westminster* and within the Boundaries of the Boroughs of *Marylebone*, *Finsbury*, the *Tower Hamlets*, *Lambeth*, and *Southwark*, as defined by an Act passed in the Second and Third Years of His late Majesty King *William* the Fourth, Chapter Sixty-four, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament*, whether such Cattle shall or shall not be proceeding either from or to the said Market, or to any Slaughter-house or Lair, and with respect to the Days and Hours on and within which and the Routes, Streets, Roads, Ways, or Places by, through, or in which Cattle shall be driven, and also to make Orders, Rules, and Regulations for the Control, Regulation, and good Government of all Persons driving, aiding, or assisting in driving Cattle within the said Districts, and from Time to Time alter, vary, or repeal all or any of such Orders, Rules, or Regulations; and any Person disobeying or acting contrary to any such Orders, Rules, or Regulations, or driving or aiding or assisting in driving any Cattle within such Districts contrary to such Orders, Rules, or Regulations, or on a Day on which, or within Hours during which, or by or along Routes, Streets, Roads, Ways, or Places, or in or by or through which Cattle shall by any such Orders, Rules, or Regulations be prohibited from being driven, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that such Orders, Rules, or Regulations shall not be of or have any Force or Effect until the same shall have been approved under the Hand of One of Her Majesty's Principal Secretaries of State; and such Orders, Rules, and Regulations shall, so far as the same relate to the Police District of the City of *London*, be signed by the Town Clerk for the Time being of the City of *London*, and so far as the same relate to the Metropolitan Police District be signed by One of the said Commissioners of Police, and shall be published as by this Act is directed with respect to the Publication of Byelaws made under the Authority thereof.

Power to Commissioner of Police, with Consent of Common Council, to make Rules for the driving of Cattle.

2 & 3 W. 4. c. 64.

XIX. Such Orders, Rules, and Regulations shall not extend to prevent Cattle imported into *London* by Sea from being driven to their Lairs, or Fields used as Lairs, on any *Sunday* throughout the Year: Provided that such Cattle shall not be so driven by or along any Streets, Roads, Ways, or Places within the Limits herein-before mentioned between the Hours of Ten and Five o'Clock on that Day, nor without

Orders, &c. not to extend to the driving of Cattle imported by Sea to their Lairs.

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a Certificate

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a Certificate from the Veterinary Surgeon appointed to inspect such Cattle that it is necessary for the Condition and Health of such Cattle that they should be so driven to their Lairs or Fields as aforesaid.

Tolls and Payments; when and to whom to be paid.

XX. The Tolls for the Time being fixed by such Tables of Tolls and Payments as aforesaid shall become due and payable immediately on the Cattle, Horses, or Meat in respect of which such Tolls are to be taken entering or being brought into the said Market Places respectively from any Person driving or bringing the same, or causing the same to be driven or brought into or exposing or offering the same for Sale in the said Market Places respectively; and the Payments for the Time being fixed by such Table for the Use of Pens, Lairs, and Conveniences shall become due and payable from the Persons using the same at such Times as for the Time being may be fixed by such Table, and all such Tolls and Payments as aforesaid shall be collected, received, and taken on behalf of the Common Council by such Collectors or Persons as they may direct.

Power to grant Licences to Drivers.

XXI. It shall be lawful for the Common Council to grant to any Person who shall produce such a Certificate as shall satisfy them of his good Character and Fitness for such Situation a Licence to act as Drover or Assistant Drover; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force for the Space of One Year, unless the same shall be sooner revoked or suspended; and the Common Council shall at the Time of granting any Licence deliver to the Drover to whom the same shall be granted a Metal Ticket or Badge, upon which there shall be painted or engraved or embossed his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence; and it shall not be lawful for any Person to act as Drover in driving, or to aid or assist in driving, any Cattle within the *London* Police District, or so much of the Metropolitan Police District as aforesaid, unless such Person shall have a Licence so to do; and any Person who shall act as Drover, or who shall aid or assist in driving any Cattle within the *London* Police District, or so much of the Metropolitan Police District as aforesaid, without having such Licence, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and every licensed Drover, and every Person licensed to assist in driving Cattle, shall at all Times, whenever employed in driving Cattle, wear his Badge conspicuously upon the upper Part of the Left Arm in such Manner that the Number painted or engraved or embossed thereon shall at all Times be distinctly legible; and every licensed Drover, and every Person licensed to assist in driving Cattle, who shall drive or assist in driving Cattle without wearing such Badge in such conspicuous Manner as aforesaid, shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Penalty on Persons acting as Drivers unless licensed.

Penalty on Drivers not wearing their Badges.

XXII. All

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XXII. All Tolls, Rents, and Payments which shall be received under this Act by any Officer of the Common Council shall be by such Officer forthwith paid into the Chamber of the City of *London* to the Credit of an Account to be intituled "The Account of the Metropolitan Market;" and the Receipt of the Chamberlain for the Time being, or his known Clerk, shall be a sufficient Discharge for the same.

Money received by Officers to be paid into the Chamber of London.

XXIII. Before any Officer appointed under this Act shall be permitted to enter upon any Office or Employment by reason whereof he will or may be intrusted with the Custody or Control of Money under this Act, the Common Council shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Moneys which may be entrusted to him by reason thereof, as they may think sufficient.

Officer, &c. intrusted with Money to give Security for duly accounting for the same.

XXIV. The Money to be paid into the Chamber of *London* under this Act shall be paid out upon Drafts or Orders signed by Seven or more Members of the Common Council.

As to Payments out of the Chamber.

XXV. It shall be lawful for the Common Council, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of the said first-recited Act or of this Act, and payable out of the Tolls, Rents, and Payments receivable by them under this Act, and with the Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time to borrow and take up at Interest any Sums of Money not exceeding in the whole the Sum of Four hundred thousand Pounds, including the Money already borrowed, which may appear to the Common Council necessary, and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Common Council may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the said Lands, Tolls, Rents, and Payments.

Power to raise Money by Mortgage with Consent of Treasury, to be secured on Lands, Tolls, &c.

XXVI. It shall be lawful for the Commissioners acting in the Execution of the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Nine, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Common Council upon the Security of the Tolls, Rents, and Payments to be received under this Act.

Commissioners of Public Works acting under 5 & 6 Vict. c.9. may make Advances to the Board.

XXVII. The Clauses of the "Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Common Council, shall be incorporated with this Act; and the Word "Rates," where

So much of 10 & 11 Vict. c. 16. as relates to Mortgages

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incorporated
with this
Act.

where used in the said Clauses, shall for the Purposes of this Act mean the Tolls, Rents, and Payments to be received by the Common Council under this Act; and the Sum to be appropriated and set apart by the Common Council every Year as a Sinking Fund shall be such Sum as shall be from Time to Time directed in this Behalf by the Commissioners of Her Majesty's Treasury.

Accounts
to be kept
and to be
balanced.

XXVIII. The Chamberlain shall cause Books to be provided and kept, and full and correct Accounts to be entered therein, of all Tolls, Rents, and Payments, and other Moneys received by him or his Clerks on account of the Metropolitan Market, and of the Application thereof, distinguishing the Times and Purposes when and for which Moneys were received and paid, and shall in the Month of *January* in each Year cause their Accounts to be balanced up to the *Thirty-first Day of December* of the preceding Year; and the Chamberlain shall cause a full Statement and Account to be drawn out of all Contracts entered into and of all Moneys received and expended by virtue of this Act during such preceding Year under the several distinct Heads of Receipt and Expenditure, and also of all Moneys then owing to the Common Council, and of all Mortgages and other Debts then owing by the Common Council on account thereof.

Audit of
Accounts.

XXIX. The Accounts of the Common Council shall be examined and audited by the Auditors for the Time being of the City Accounts.

Common
Council may
enter into
Contract for
providing
Markets, &c.

XXX. The Common Council may enter into all such Contracts as they may think fit for providing the Market Places, Slaughterhouses, Lairs, Conveniences, and Matters by this Act authorized to be provided, and for any other Matters in relation to the Purposes of this Act in respect of which it may appear to the Common Council expedient to enter into Contracts.

No Purchase
or Contract
exceeding
50,000*l.* to be
made with-
out Appro-
bation of
Treasury.

XXXI. Provided always, That no Purchase, Building, or Work where the Purchase Money or the estimated Expense of such Building or Work exceeds Fifty thousand Pounds shall be made, erected, or done, or any Contract for the same entered into, by the Common Council, without the Approbation of the Commissioners of Her Majesty's Treasury.

Certain
Provisions of
8 & 9 Vict.
c. 18. incor-
porated with
this Act.

XXXII. "The Lands Clauses Consolidation Act, 1845," except the Clauses of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof," "with respect to the Recovery of Forfeitures, Penalties, and Costs," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the

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the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Common Council.

XXXIII. The Common Council shall in the Month of *March* in every Year send to One of Her Majesty's Principal Secretaries of State a Report of their Proceedings, and shall, where any Variation has been made in the Table of Tolls and Payments since the preceding Report, show such Variation in their Report, and shall with such Report send an Account in abstract, showing the Receipt and Expenditure for such preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditors, if they have allowed such Accounts, or of the Parts, if any, which they have disapproved of such Accounts, and also a Statement of all Moneys owing to and Debts owing by the Common Council on the Thirty-first Day of *December* of such preceding Year; and the Common Council shall also from Time to Time give to any One of such Secretaries of State as aforesaid such Information as he may require respecting their Proceedings.

Annual Reports and Abstracts of Accounts to be made and sent to the Secretary of State.

XXXIV. Every Report, Account in abstract, and Statement to be sent to One of Her Majesty's Principal Secretaries of State under this Act shall be laid before both Houses of Parliament within One Month after the Receipt thereof, if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Reports to be laid before Parliament.

XXXV. That the Justices acting in and for every Petty Sessions Division within the Metropolitan Police District shall hold a Special Sessions in the Division or District for which they usually act in every Year in the Month of *October*, and shall cause public Notice of the Time and Place when and where such Special Sessions shall be holden to be affixed to or near to the Door of the Parish Church of the Parish comprising such Division or District, or of the respective Parishes in such Division or District, and such Special Sessions shall and may be adjourned from Time to Time by the Justices there present as they may think fit; and from and after the passing of this Act no Place within the Metropolitan Police District, other than those erected or to be erected under the Authority of the said first-recited Act and of this Act, shall be used as a Slaughter-house without a Licence had for that Purpose from the Justices of the Peace acting for the Division or District where such Place is situate at such Special Sessions as aforesaid (who are hereby authorized to grant such Licences where they in their Discretion think proper), signified under the Hands and Seals of a Majority of the Justices there assembled; and no Fee or Reward exceeding One Shilling shall be taken for any such Licence; and if any Person use as a Slaughter-house any Place other than the

Slaughter-houses to be licensed.

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Slaughter-houses erected or to be erected under the Authority of the said first-recited Act and of this Act, or permit the same to be used by any other Person within the Division or District aforesaid which is not for the Time being so licensed, every Person so offending shall for each Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that before any Licence for the Use of any Place as a Slaughter-house is granted by any Justices acting in such Division or District, One Month's Notice previous to the First Day of *October* in every Year of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence, and also Seven Days Notice previous to such Special Sessions being held of the Intention to apply for such Licence shall be given to the Clerk of the Justices for such Division.

Appeal to
Quarter
Sessions.

XXXVI. That any Person or Persons who shall think himself or themselves aggrieved by any Act of any Justice done in or concerning the Grant or Refusal of any Licence for a Slaughter-house may appeal against such Act to the next General or Quarter Sessions of the Peace holden for the County or Place wherein the Cause of such Complaint shall have arisen, unless such Session shall be holden within Twelve Days next after such Act shall have been done, and in that Case to the next subsequent Session holden as aforesaid, and not afterwards, and such Appeal shall be subject to the same Provisions and Conditions as to previous Notice and Recognizances for trying such Appeal, the Hearing and Judgment of the General or Quarter Sessions thereon, with the same Powers of awarding Costs relative thereto as are contained in the Act passed in the Ninth Year of the 9 G. 4. c. 61. Reign of King *George* the Fourth, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualing Houses in England*, in the same Manner as if the Provisions contained in the said Act relating to Appeals were re-enacted in this Act.

Penalty for
defacing
Boards.

XXXVII. Every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Common Council in or about the Markets provided under this Act, upon which any Byelaw or Table of Tolls and Payments shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on
Officers, &c.
being inter-
ested in
Contracts

XXXVIII. No Member or Officer of the Common Council shall be in anywise concerned or interested in any Contract or Work made with or executed for the Common Council; and if any such Member or Officer be so concerned or interested, or shall under colour of his
Office

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Office or Employment exact, take, or accept any Fee or Reward whatsoever other than his proper Salary, Wages, and Allowances, he shall cease to be a Member of the Common Council or Officer, and shall be incapable of afterwards holding or continuing in or in any Office or Employment under the Common Council, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt: Provided, that no Person being a Shareholder of any Joint Stock Company established by Act of Parliament or by Charter shall be prevented from being interested in any Contract between such Company and the Common Council, or of any Work executed by such Company.

or exacting
Fees.

XXXIX. If any Person liable to the Payment of any Toll under this Act in respect of any Cattle, Horse, or Meat brought into the said Market Places respectively, or to any Payment for the Use of any Pens, Lairs, or Conveniences provided under this Act, neglect or refuse to pay such Toll or Payment when the same becomes payable under this Act, it shall be lawful for the Common Council, or any Person in that Behalf authorized by them, to levy and recover such Toll or Payment by Distress and immediate Sale of any such Cattle, Horse, or Meat for which such Toll is payable, or of any Cattle, Horses, Meat, or other Articles brought into such Pens, Lairs, or Conveniences by the Person liable to such Payment for using the same, rendering the Overplus (if any) of the Money arising from the Sale thereof on Demand to the Owner of the Things sold, after deducting the reasonable Charge of the Distress and Sale; and in case any Dispute or Difference arise concerning or in consequence of any such Distress or Sale, such Dispute or Difference shall and may be settled and determined by Two Justices, who are hereby empowered and required, on Application being made to them for that Purpose, to summon the Parties before them, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein and award such Costs to either Party as to such Justices in their Discretion shall seem meet, and by Warrant under their Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of any Cattle, Horses, Meat, Goods, or Chattels, being the Property of the Party liable to pay the same, rendering the Overplus (if any) of the Money arising from the Sale thereof on Demand to the Owner of the Things sold, after deducting in every Case the reasonable Charges of such Distress and Sale: Provided always, that nothing herein contained shall extend to prevent the Common Council from suing for and recovering in any Court of Record any Sum of Money which shall become payable to them for or in respect of any such Toll or Payment as aforesaid, if Default be made in Payment thereof.

Recovery
of Tolls and
Payments.

XL. Every

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Recovery of Penalties.

·XL. Every Person who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Byelaw, Order, Rule, or Regulation hereby authorized to be made, shall be proceeded against, and such Penalty or Forfeiture shall be recovered, enforced, and applied, in the same Manner as the Persons liable to the Penalties and Forfeitures imposed under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, and such last-mentioned Penalties and Forfeitures may by Law be proceeded against, recovered, enforced, and applied respectively; and all Provisions and Powers and Rights which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures last mentioned, shall be applicable to the Proceedings against Persons liable to Penalties and Forfeitures under this Act, or any such Byelaw, Order, Rule, or Regulation as aforesaid.

Proof of Publication of Byelaws and Table of Tolls and Payments.

XLI. The Production of a written or printed Copy of the Byelaws, and of the Table of Tolls and Payments authenticated by the Signature of the Town Clerk, shall be Evidence of the making, Approval, and Existence of such Byelaws, and of the fixing and Existence of such Table of Tolls and Payments respectively, in all Prosecutions, Actions, and Proceedings under or concerning the same; and for Proof of the Publication of such Byelaws and Table of Tolls and Payments respectively, it shall be sufficient to prove that painted Boards containing Copies thereof respectively were set up and continued in manner by this Act directed, and in case of any such Board having been destroyed, defaced, or removed, that it was renewed, replaced, or restored as soon as conveniently might be.

This Act not to affect Islington Parish Act.

XLII. Nothing in this Act contained shall apply to or affect the Provisions contained in an Act of the present Session of Parliament, intituled "*The Islington Parish Act, 1857.*"

Short Title.

XLIII. In citing this Act in any other Acts of Parliament, and for legal Instruments, it shall be sufficient to use the Expression "*The Metropolitan Market Act, 1857.*"

Expenses of Act.

XLIV. All the Costs, Charges, and Expenses of obtaining and passing this Act and of carrying the same into effect, or otherwise relating thereto, shall be defrayed by the Mayor, Aldermen, and Commons out of any Moneys received under the Authority of this Act.

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SCHEDULES.

SCHEDULE (A.) above referred to.

Tolls.

Sheep, per Score	-	-	-	-	Fourpence.
Beasts, per Head	-	-	-	-	Twopence.
Calves, per Head	-	-	-	-	One Penny.
Horses, per Head	-	-	-	-	Sixpence.
Pigs, per Score	-	-	-	-	Sixpence.

Dues.

Pens for Sheep, Calves, or Pigs, One Shilling each.

Rail for Beasts, Calves, and Horses, One Penny Halfpenny each.

Hay Duty, Sixpence per Load; and for each Entry of Sale, One Penny.

Straw Duty, One Penny; and for each Entry of Sale, One Penny.

SCHEDULE (B.) above referred to.

A Piece of Land on the North Side of the Market, and West of the Queen's Arms Tavern, to the North-west Entrance Gates.

A Slip of Land, having a Frontage at the Rear of the said Queen's Arms Tavern and the City Arms Tavern, with a Depth not exceeding 100 Feet.

A Slip of Land, not exceeding the same Depth, West of the City Arms Tavern, and extending to the South-east Angle of the Boundary Wall, leaving convenient Entrances to the Land in the Rear.

The Slip of Land from the said South-east Angle, Eastward to the Caledonian Road.

A Slip of Land, not exceeding 100 Feet in Depth from the Rear of the Lamb Public House, Eastward to the North-east Entrance Gates.

[*Local.*]

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A Slip

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A Slip of Land, not exceeding 100 Feet in Depth, between the Lamb Public House and the White Horse Public House, leaving a sufficient Space for Entrances through the said Slips of Ground to the Land in the Rear.

The Piece of Ground Eastward of the Rear of the White Horse Public House up to the Boundary Line of the Great Northern Railway.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.